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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,100

Applicant(s)

CRUDELE ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 21 is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/25/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 23 May, 2005. Reconsideration of the claims in light of the phone interview between the Examiner, and Applicant representative on 09/13/2005 is respectfully granted in this Supplemental Office Action.

Response to Amendment

1. This action is responsive to the application filed on 01/08/2002. Original claims 1-13 are not amended. Claims 14-21 are newly added. Claims 1-21 are pending. Claims 1-21 represent a method and apparatus for "distributing software features to a computer".

Response to Arguments

2. Applicant's arguments with respect to claims 1, 11, 12, and 13 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein distributing software features to a computer wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer ...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4, 8-12, 14-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Aronberg et al (Aronberg), U.S. Patent No. 5,933,647), in view of Discavage et al (Discavage) US patent No. 6,684,259 B1, in further view of WO 00/29982, PCT/SE99/02058 (hereinafter named "PCTRef") .

Regarding **claim 1**, Aronberg teaches a method of distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*fig. 1, items 101-102; column 2, lines 52-67; column 3, lines 1-14*), the method including the steps of:

providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile (*column 4, lines 7-26; column 5, lines 1-38*),

storing an indication of the at least one user activity on the computer (*column 7, lines 9-41*),

accessing the computer with a current user profile (*column 4, lines 48-61*), and

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retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 5, lines 24-48*).

However Aronberg does not teach all the details of the above limitations. In the same field of endeavor Discavage teaches "In order to accommodate Windows NT, single user applications in a multi-user WinFrame TM operating environment, the following steps are taken:

(1) all application program interface (API) calls by a given user for these named resources are intercepted; (2) a user identifier is added to the name before it is passed on in the API call; and (3) all applications running on behalf of the given user will have the named requests for resources identically modified. In this manner, these named resources are made "user global" which makes them shareable only within the given user's context. FIGS. 3(a,b,c) steps taken to accommodate single user applications in the multi-user system and the consequence of actions taken by process A on the left and process B on the right." [see Discavage, column 4, lines 43-59].

Furthermore, Discavage continue to disclose "the method described above is further summarized in the flow diagram of FIG. 5 where it is identified as method 400 for creating a coexistent user and system global context. Step 401 establishes a user global context by assigning a label to each instance of an object or application that is to be used by a single user. A single-user name space is thereby created by identifying each such instance as being globally available to the specified single-user. Step 402 enables the server process to impersonate the single-user by assuming its identity and thereby provides the server access to the single-user name space. Step 403 establishes a system global context by adding a system global identifier to each of the executable files and dynamically linkable library files. The method ends with step

404 establishing the user global context as the default context." [see Discavage, column 6, lines 44-58].

In the same field of endeavor the PCT Ref teaches in page 5, lines 5-30 "a method for identifying a user of a network, such as the Internet, said network including several clients and several remote servers... storing at least one predefined user profile in a memory-area of the client, selecting on of said ... profile in accordance with the user that is currently using the client for accessing the network, communication the selected user profile to the remote server..."

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Discavage's teachings of a method different user profiles each one associated with a corresponding operating context with the teaching of the PCT Ref, and the teachings of Aronberg, for the purpose of "assigning a unique identifier to each user on the system and each of the user's applications, and attaching this same identifier to each instance of an object created by the user's applications, for the purpose of creating a distinct single user name space that is only accessible by the same single user" as stated by Discavage in lines 65-67 of column 1 and lines 1-4 of column 2. Thus, Aronberg also provides motivation to combine by stating a need to also provide to the network with "*the ability to provide a software distribution and desktop management system with full integration into a graphical user based system...*" [see Aronberg, column 2, lines 45-49]. PCT Ref also states that this method allows a server that provides a client with information over e.g.

the Internet has access to a user specific profile describing the user that is currently using the client [see PCTRef; page 5, lines 25-28. By this rationale **claim 1** is rejected.

Regarding **claim 4**, the combination Aronberg- Discavage-PCTRef teaches the method according to claim 1, wherein each software feature includes a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion (*column 6, lines 48-63*) and a further corresponding item being indicative of the user activity of enforcing the user portion for each associated user profile [see Aronberg, *column 7, lines 4-32*; see also Discavage, *column 4, lines 43-59; column 6, lines 44-58; see PCTRef, page 5, lines 5-30*].

Regarding **claim 8**, the combination Aronberg- Discavage-PCTRef teaches the method according to claim 1, wherein the computer is a client workstation of a network, the method further including the step of receiving the distribution package on the client workstation from a server workstation through the network [see Aronberg, *fig. 1, items 101-104; column 4, lines 13-61*).

Regarding **claim 9**, the combination Aronberg- Discavage-PCTRef teaches a computer program directly loadable into a working memory of a computer for performing the method of claim 1 when the program is run on the computer [see Aronberg, *fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63; see also Discavage, column 4, lines 43-59; column 6, lines 44-58; see PCTRef, page 5, lines 5-30*].

Regarding **claim 10**, the combination Aronberg- Discavage-PCTRef teaches a

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program product including a computer readable medium on which the program of claim 9 is stored [see Aronberg, *fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63; see also Discavage, column 4, lines 43-59, column 6, lines 44-58, see PCTRef, page 5, lines 5-30 .*]

Regarding **claim 11**, the combination Aronberg- Discavage-PCTRef teaches a software distribution application for use in a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*column 4, lines 7-61*), the software distribution application including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile and for storing an indication of the at least one user activity on the computer, and a user agent for retrieving and executing each user activity associated with a current user profile in the corresponding operating context [see Aronberg, *column 5, lines 24-48; see also Discavage, column 4, lines 43-59, column 6, lines 44-58; see PCTRef, page 5, lines 5-30 .*]

Regarding **claim 12**, the combination Aronberg- Discavage-PCTRef a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context the system including means for providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer),

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at least one activity being defined as a user activity associated with at least one user profile, means for storing an indication of the at least one user activity on the computer [see Aronberg, *column 5, lines 1-48*], means for accessing the computer with a current user profile, and means for retrieving and executing each user activity associated with the current user profile in the corresponding operating context [see Aronberg, *column 5, lines 24-48*; see also Discavage, *column 4, lines 43-59, column 6, lines 44-58*; see PCTRef, *page 5, lines 5-30*].

Regarding **claim 14**, the combination Aronberg- Discavage-PCTRef teaches the invention substantially as claimed. Aronberg discloses the method of claim 1, but does not specifically teach in detail a method wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer, and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile[see Discavage, *column 4, lines 43-59, column 6, lines 44-58*; see PCTRef, *page 5, lines 5-30*].

Regarding **claim 15**, the combination Aronberg- Discavage-PCTRef teaches the method of claim 14, wherein the first user activity and the second user activity are different [see Discavage, *column 4, lines 43-59, column 6, lines 44-58*; see PCTRef, *page 5, lines 5-37*].

Regarding **claim 16**, the combination Aronberg- Discavage-PCTRef teaches the method of claim 14, wherein the first user activity is to enable a first software product on the computer for the first user profile, the second user activity is to enable a second software product on the computer for the second user profile, and wherein the first software product is not enabled on the computer for the second user profile[see Discavage, column 4, lines 43-59, column 6, lines 44-58; see PCTRef, page 5, lines 5-37].

Regarding **claim 17**, the combination Aronberg- Discavage-PCTRef teaches the system of claim 12, wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer, and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile for enforcing a corresponding software feature on the computer for a second user profile [see Discavage, column 4, lines 43-59, column 6, lines 44-58; see PCTRef, page 5, lines 5-37].

Regarding **claim 18**, the combination Aronberg- Discavage-PCTRef teaches the system of claim 17, wherein the first user activity and the second user activity are different [see Discavage, column 4, lines 43-59, column 6, lines 6-58; see PCTRef, page 5, lines 5-37].

Regarding **claim 19**, the combination Aronberg- Discavage-PCTRef teaches the system of claim 17, wherein the first user activity is to enable a first software product on the computer for the first user profile, the second user activity is to enable a second software product on the computer for the second user profile, and wherein the first software product is not enable on the computer for the second user profile [see Discavage, column 4, lines 43-59; column 6, lines 6-58; see PCTRef, page 5, lines 5-37].

Regarding **claim 20**, the combination Aronberg- Discavage-PCTRef teaches the computer program of claim 9, wherein the plurality different user profiles includes a first user for a first user of the computer and a second user profile for a second user of the computer, and wherein the distribution package includes a first item indicative of a first user activity for enforcing a corresponding software feature on the computer for the first user profile and a second item indicative of a second user activity for enforcing a corresponding software feature on the computer for a second user profile [see Discavage, column 4, lines 43-59; column 6, lines 6-58; see PCTRef, page 5, lines 5-37].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 3, 5-7, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg, in view of Discavage, further in view of Broster et al (Broster), U.S. Patent No. 6,424,968 B1.

Regarding **claim 2**, the combination Aronberg-Discavage teaches the invention substantially as claimed. Aronberg -Discavage discloses the method of distributing software features according to claim 1, wherein at least one activity is defined as a global activity associated with all the user profiles, the method further including the steps of:

running a global agent outside the context associated with the current user profile [see Aronberg, *column 3, lines 2-14; column 4, lines 13-61; see Discavage, column 4, lines 43-59; column 6, lines 44-58*],

executing each global activity under the control of the global agent [see Aronberg, *column 9, lines 4-32*],

However, Aronberg-Discavage does not specifically teach running a user agent in an computer system during a logon to the computer with the current

user profile, each user activity being retrieved and executed under the control of the user agent.

In the same field of endeavor, Broster discloses (an information management computer system with a user profile with search capabilities that work over a long period of time to report after a fixed time interval or at the next logon by that user...) [see *Broster*, column 10, lines 44-49].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Broster's teachings of a method and apparatus to run a user agent during a logon to the computer with the current profile, with the teachings of Aronberg and Discavage, for the purpose of "*providing a transparent interface to a plurality of tools, the user being able to use the system without having to select and operate the different tools*" as stated by Broster in lines 35-39 of column 3. Thus, Aronberg also provides motivation to combine by stating a need to also provide to the network with "*the ability to provide a software distribution and desktop management system with full integration into a graphical user based system...*" [see Aronberg, column 2, lines 45-49]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Aronberg-Discavage-Broster teaches the method according to claim 2, wherein the global agent runs on the computer in a logoff condition [see *Broster*, column 10, lines 44-49]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 3

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[see Broster, *column 3, lines 35-39*; see Aronberg, *column 2, lines 45-49*]. By this rationale **claim 3** is rejected.

Regarding **claim 5**, the combination Aronberg-Discavage-Broster teaches the method according to claim 4, wherein each item includes a flag defining the corresponding activity as a global activity or a generic user activity, the method further including, for each generic user activity, the steps of:

storing an indication of a completion of the generic user activity for each user profile [see Broster, *column 3, lines 25-34*], and

verifying whether the generic user activity has been completed in the context associated with the current user profile, the generic user activity being executed in the context associated with the current user profile only if the result of the verification is negative [see Aronberg, *column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 5 [see Broster, *column 3, lines 35-39*; see Aronberg, *column 2, lines 45-49*]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Aronberg-Discavage-Broster teaches the method according to claim 5, further including the steps of:

storing a global memory structure indicating a status of the global portion of each software feature [see Aronberg, *fig. 2, items 101-102; column 6, lines 48-67; column 7, lines 1-8*],

storing a user memory structure for each user profile indicating a status of the user portion of each software feature in the corresponding context [see *Aronberg, fig. 2, items 101-102; column 7, lines 9-41*], and

verifying whether each generic user activity associated with the current user profile has been completed according to a comparison between the global memory structure and the corresponding user memory structure [see *Aronberg, column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 6 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination *Aronberg-Discavage-Broster* teaches the method according to claim 5, further including the steps of:

storing an indication of each user profile allowed to have each software feature enforced [see *Aronberg, column 6, lines 48-67; column 7, lines 1-8*], and

verifying whether the current user profile is allowed to have the software feature corresponding to each generic user activity enforced, each generic user activity being executed only if the result of the verification is positive [see *Aronberg, column 4, lines 47-67; column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 7 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 7** is rejected.

Regarding **claim 13**, the combination *Aronberg-Discavage-Broster* teaches a system for distributing software features to a computer being

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accessible with a plurality of different user profiles each one associated with a corresponding operating context [see *Aronberg*, *fig. 2*, *items 101-102*; *column 4*, *lines 7-61*], the computer including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer [see *Aronberg*, *column 4*, *lines 7-61*], at least one activity being defined as a user activity associated with at least one user profile, and for storing an indication of the at least one user activity on the computer [see *Aronberg*, *column 5*, *lines 1-48*], a logon module for accessing the computer with a current user profile, and a user agent for retrieving and executing each user activity associated with the current user profile in the corresponding operating context [see *Broster*, *column 10*, *lines 44-49*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 13 [see *Broster*, *column 3*, *lines 35-39*; see *Aronberg*, *column 2*, *lines 45-49*]. By this rationale **claim 13** is rejected.

Allowed claims

7. Claim 21 below is ALLOWED.

An apparatus for distributing software features to a workstation, wherein the workstation is accessible by using one of a plurality of user profiles associated with the workstation, and wherein the user profiles have associated operating context for defining an execution environment of the workstation; comprising:

a logon module that controls access to the workstation to thereby initiate an operating context for a current user profile;

a network interface for receiving, from a provider of a software distribution package, a software distribution package that includes a list of items for enforcing a software feature on the workstation, each item having a first field which defines an activity consisting of one or more instructions to be carried out for reaching a desired software configuration, a second field that defines the activity as a global or user activity, and one or more files for enforcing the software feature;

a distribution agent that runs outside any operating context associated with user profiles of the plurality of user profiles;

a global catalogue module, controlled by the distribution agent, which specifies global portions of each software feature that have been installed on and removed from the workstation;

a user agent that performs searches in the operating contexts associated with the plurality of user profiles;

a user catalogue module, controlled by the user agent, which specifies information on a status of each software feature in each of the operating contexts associated with the plurality of user profiles;

an authorization list module that includes a series of records each having a first field identifying a software feature, a second field identifying one or more user profiles allowed to have this software feature enforced, wherein:

the distribution agent, in response to receiving a software package via the network interface, executes all the actions of the software package identified as global actions and updates a status of corresponding software features in the global catalogue module;

the user agent, in response to an initiation of the operating context associated with the current user profile, retrieves status information for a software feature from the global catalogue Module, determines if the current user profile is allowed to have this software feature enforce, and extracts status information from the user catalogue module for the software feature of the software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue module to the status information from the user catalogue module and determines if any further action is necessary to enforce the software feature for current user profile;

the user agent retrieves the instructions needed for enforcing the software feature for the current user profile if further action is determined to be necessary; and

the user agent executes the retrieved instructions to thereby enforce the software feature for the current user profile and updates status information for the software feature in the user catalogue module.

Reasons for Allowance of claim 21

The following is an examiner's statement of reasons for allowance of claim 21: the closet prior art of record ((Anderson, U.S. Patent No. 6,578,142) does not teach nor suggest in detail an authorization list module that includes a series of records each having a first field identifying a software feature, a second field identifying one or more user profiles allowed to have this software feature enforced, wherein:

the distribution agent, in response to receiving a software package via the network interface, executes all the actions of the software package identified as global actions and updates a status of corresponding software features in the global catalogue module;

the user agent, in response to an initiation of the operating context associated with the current user profile, retrieves status information for a software feature from the global catalogue Module, determines if the current user profile is allowed to have this software feature enforce, and extracts status

information from the user catalogue module for the software feature of the software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue module to the status information from the user catalogue module and determines if any further action is necessary to enforce the software feature for current user profile;

the user agent retrieves the instructions needed for enforcing the software feature for the current user profile if further action is determined to be necessary; and

the user agent executes the retrieved instructions to thereby enforce the software feature for the current user profile and updates status information for the software feature in the user catalogue module.

(see page 22 of applicant's argument dated 23 May 2005 as well as the enabling portions of Applicant's specification, pages 3-4, and 16-18). So as indicated by the above statements, Applicant's arguments have been considered persuasive, in light of the claim limitations as well as the enabling portions of the specification.

Response to Arguments

8. Applicant's Request for Reconsideration filed on May 23rd, 2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. Applicants contend that Aronberg does not teach a distribution package having at least one item indicative of at least one activity for enforcing a corresponding software feature, the at least one item indicative of at least one activity being defined as a user activity associated with at least one user profile.... And that Aronberg does not teach retrieving and executing each user activity associated with a current user profile in a corresponding operating context and that Aronberg does not anticipate the claim invention.

B. Applicants contend that Aronberg has no concern for individual user profiles on a particular computer and thus, makes no distinction between user profiles on a computer.

C. Applicants contend that Aronberg does not disclose or suggest a computer being accessible with a plurality of different user profiles, each one associated with a corresponding operating context.

D. Applicant contends that Broster, like Aronberg is not concerned with software distribution with respect to the limitation raised in point A, B, and C above; and that neither Aronberg, nor Broster, either alone, or in combination, teaches or suggests the feature of global agent running on the computer in a logoff condition.

9. Applicants' argument has been fully considered and is found persuasive only to the degree that point A, B, and C above are not teach in details by Aronberg and Broster.

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However, new prior art of Discavage and PCTRef are used in combination to address applicants point of contention

As to "Point A" it is the position of the Examiner has withdrawn the anticipated rejection under Aronberg and use an obviousness type of rejection explained in the rejection of claim 1 above. [[see Discavage, column 4, lines 43-59, column 6, lines 44-58, see PCTRef, page 5, lines 5-37].

As to "Point B and C", please see Discavage, column 4, lines 43-59, column 6, lines 44-58, see PCTRef, page 5, lines 5-37.

As to point D the new prior art reference of Discavage and PCTRef are used in combination to address applicants point of contention.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

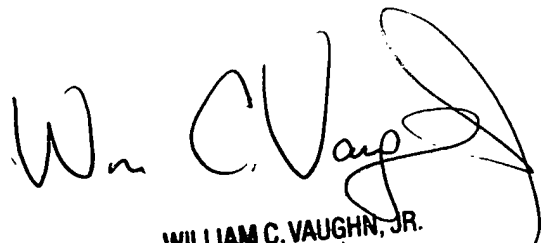
Patent Examiner

Art Unit 2143

JJG



November 13, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER